

Arguments/Remarks

Claims 1 and 2 have been amended. Claims 3-7, 10, 12, and 13 have been cancelled. Reconsideration is respectfully requested. Claims 1, 2, 8-9, 11, and 14 are currently pending.

Rejections under 35 USC §112

Claims 10 and 13 have been rejected under 35 USC §112. Both claims have been canceled, and the rejection is therefore moot

Rejections under 35 USC §102

Claims 1-7, 10-11, and 14 have been rejected under 35 USC §102(e) as being anticipated by Mueller et al., WO 03/049542 (filing date December 5, 2002). Applicant's priority in the application is to an application filed in the United Kingdom July 8, 2002 (UK application no. 0216844.2). The Examiner correctly points out that the claims of the present application differ from the UK application. The Examiner incorrectly concludes however, that this prevents applicant from claiming priority of the claimed subject matter to obviate Mueller as a reference under 35 USC §102 (e).

Claim 1 as amended, and those dependent therefrom are now fully supported in the priority document, and is therefore entitled to July 8, 2002 priority date. Mueller therefore does not anticipate the claimed subject matter. Reconsideration is respectfully requested.

Rejections Under 35 USC §103

Claims 1-11 and 13-14 have been rejected under 35 USC §103(a) as being unpatentable over Armistead et al., WO 01/60816. The Examiner has also rejected claims 1-7, 10-11, and 13-14 under 35 USC §103(e) as being unpatentable over Anantanarayan et al., WO 00/31063. The rejections are respectfully traversed.

In applying the test for obviousness to chemically similar structures, the Court of Appeals Federal Circuit recently laid out a standard in *Takeda Chemical Industries Ltd. v. Alphapharm Pty. Ltd*, 83 USPQ2d 1169 (Fed. Cir. 2007). The Court stated, "in many cases involving new chemical compounds, it remains necessary to identify some reason that would have led a chemist to modify a known compound in a particular manner to establish a *prima facie* case of obviousness. ... in order to find a *prima facie* case of obviousness (for

structurally related compounds), a showing that the 'prior art would have suggested making the specific molecular modifications necessary to achieve the claimed invention' was also necessary."

With regard to the amended claim set where R4 is no longer H, the compounds of the instant application differ from the compounds in (WO01/60816), by the position of attachment on the pyrazolyl ring in addition to the nature of the substituent on the aniline-phenyl ring (substituent R1 in the instant application).

With regard to Anantanarayan et al. (WO00/31063), the currently amended claim set where R4 is not H, the compounds of the instant application differ from the compounds in WO00/31063 in the nature of the substituent on the phenyl ring attached to the pyrazole ring (substituent Z in the instant application) in addition to the nature of the substituent on the aniline-phenyl ring (substituent R1 in the instant application). Such modifications are neither taught nor suggested by the prior art. Withdrawal and reconsideration are respectfully requested.

Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,


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